

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 25152 of 2007(T)

C.C.NO.294/2004 OF JFMC,KAYAMKULAM

PETITIONER:

SUNIL KUMAR, S/O RAJAN,
SREENILAYAM HOUSE, CHIRATTAKONAM MURI,
VETTIKKAVALA VILLAGE, KOTTARAKARA.

BY ADV. SRI.K.HARILAL

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R.BASANT, J.

W.P.C.No.25152 of 2007

Dated this the 18th day of August 2007

J U D G M E N T

The petitioner faces indictment in a prosecution for offences punishable inter alia under Section 3 of the P.D.P.P.Act and Section 341 read with 149 I.P.C. Cognizance was taken by the learned Magistrate. The petitioner was not available for trial. The case against him was split up. The petitioner has, later, surrendered before the learned Magistrate. He has been enlarged on bail on 13/7/2007. The petitioner has to return to his place of employment abroad on 15/9/2007. The petitioner, in these circumstances, has come to this court with a prayer that there may be a direction for expeditious disposal of the case against him. It is prayed that appropriate directions may be issued.

2. The petitioner must certainly have made the request at the first instance before the learned Magistrate and sought appropriate orders. He had surrendered and was enlarged on bail on 13/7/2007 and he has chosen to file this petition only on

17/8/2007. Admittedly, he has to leave India on 15/9/2007. The petitioner is also guilty of lethargy inaction at the appropriate time. Be that as it may, I am satisfied that a direction can be issued that if the petitioner files an application to advance hearing of the matter, the learned Magistrate must expeditiously pass appropriate orders in the matter. The learned counsel for the petitioner submits that the petitioner wants to argue for a discharge and is hopeful of success. He also wants to apply to be exempted from personal appearance specifying that he shall not dispute the identity in the course of the trial. I need only observe that the learned Magistrate must consider the request of the petitioner expeditiously, if such request is formally made before the learned Magistrate immediately.

3. This writ petition is in these circumstances dismissed with the above observations/directions.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007